

**RECEIVED FOR SCANNING
VENTURA SUPERIOR COURT**

OCT 13 2020

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Beilal Chatila, Esq., SBN 314413 CHATILA LAW, LLP 2001 Addison Street, Suite 307 Berkeley, CA 94704 TELEPHONE NO: (888) 567-9990 FAX NO. (Optional): (888) 509-2870 E-MAIL ADDRESS (Optional): bc@chatilalaw.com ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA STREET ADDRESS: 800 South Victoria Avenue MAILING ADDRESS: CITY AND ZIP CODE: Ventura 93009 BRANCH NAME: Civil Division	
PLAINTIFF: MAXIMO GARCIA DEFENDANT: The Knolls Apartment, LLC; Sares Regis Management Co., LLC; Karla Guardado; <input checked="" type="checkbox"/> DOES 1 TO 10, _____ inclusive	
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Personal Injury/Premises Liability <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify): Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	CASE NUMBER:

1. **Plaintiff (name or names):** Maximo Garcia
 alleges causes of action against **defendant (name or names):**
 The Knolls Apartment, LLC; Sares Regis Management Co., LLC; and Karla Guardado;
2. This pleading, including attachments and exhibits, consists of the following number of pages: 5
3. Each plaintiff named above is a competent adult
 - a. ☐ except plaintiff (name):
 - (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):
 - b. ☐ except plaintiff (name):
 - (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

Page 1 of 3

JF

SHORT TITLE:

Maximo Garcia, The Knolls Apartment, LLC; Sares Regis Management Co., et al.

CASE NUMBER:

4. ☐ Plaintiff (name):
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name): The Knolls Apartments, LLC
- (1) ☐ a business organization, form unknown
- (2) ☒ a corporation
- (3) ☐ an unincorporated entity (describe):
- (4) ☐ a public entity (describe):
- (5) ☐ other (specify):
- c. ☒ except defendant (name): Sares Regis Mnmt. Co., LLC
- (1) ☐ a business organization, form unknown
- (2) ☒ a corporation
- (3) ☐ an unincorporated entity (describe):
- (4) ☐ a public entity (describe):
- (5) ☐ other (specify):
- b. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown
- (2) ☐ a corporation
- (3) ☐ an unincorporated entity (describe):
- (4) ☐ a public entity (describe):
- (5) ☐ other (specify):
- d. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown
- (2) ☐ a corporation
- (3) ☐ an unincorporated entity (describe):
- (4) ☐ a public entity (describe):
- (5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1 to 5 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 6 to 10 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☒ at least one defendant now resides in its jurisdictional area.
- b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
- d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or
- b. ☐ is excused from complying because (specify):

SHORT TITLE:

Maximo Garcia; The Knolls Apartment, LLC; Sares Regis Management Co., et al.

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
 b. ☒ General Negligence
 c. ☐ Intentional Tort
 d. ☐ Products Liability
 e. ☒ Premises Liability
 f. ☐ Other (specify):

11. Plaintiff has suffered

- a. ☐ wage loss
 b. ☐ loss of use of property
 c. ☒ hospital and medical expenses
 d. ☒ general damage
 e. ☐ property damage
 f. ☐ loss of earning capacity
 g. ☒ other damage (specify):
 Emotional Distress and Pain and Suffering.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
 b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable and for

- a. (1) ☒ compensatory damages
 (2) ☐ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

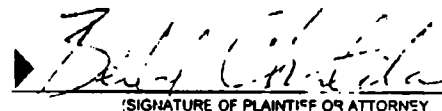
- (1) ☒ according to proof
 (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: 10/10/2020

BEILAL CHATILA

(TYPE OR PRINT NAME)


 (SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:

MAXIMO GARCIA VS. THE KNOLLS APARTMENT, LLC, et al.

CASE NUMBER

FIRST

CAUSE OF ACTION—General NegligencePage 4

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Maximo Garcia

alleges that defendant (name): The Knolls Apartments, LLC; Sares Regis Management Co.; Karen Guardado; and

☒ Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): 8/20/2019

at (place): The Knolls Apartment Homes , 2544 Vista Wood Circle, Thousand Oaks, CA 91362 ("Premises").

(description of reasons for liability):

Plaintiff is a tenant of a apartment complex fictitiously referred to as The Knolls Apartment Homes located at 2544 Vista Wood Circle, Thousand Oaks, CA 91362 ("Premises").

August 20, 2019, Plaintiff was viciously attacked by a dog owned by Defendant Karta Guardado while walking on the sidewalk of real property owned, by Defendant The Knolls Apartments, LLC, and on information and belief, operated and managed by Defendant Sares Regis Management Co., LLC.

Defendants, and each of them, owed a duty to Plaintiff to exercise reasonable care. Defendants breached their duties to Plaintiff by failing to exercise ordinary care and due diligence in negligently permitting the circumstances to exist that led to the dog attack against Plaintiff

At all times mentioned herein, Defendants, through their negligence as herein alleged, ignored their responsibilities to Plaintiffs and unreasonably jeopardized the health and well-being of Plaintiff causing him to suffer serious injuries.

SHORT TITLE:
MAXIMO GARCIA VS. THE KNOLLS APARTMENT, LLC, et al.

CASE NUMBER:

SECOND

CAUSE OF ACTION—Premises Liability

Page 5

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. (name): Plaintiff Maximo Garcia

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): August 20, 2019

plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

Plaintiff is a tenant of a apartment complex fictitiously referred to as The Knoll's Apartment Homes located at 2544 Vista Wood Cir, Thousand Oaks, CA 91362 ("Premises"). On August 20, 2019, Plaintiff was walking on the walk way at the Premises when he was violently attacked by a dog owned by separate tenant Defendant Karla Guardado and allowed to live at the Premises by Defendant The Knolls Apartments, LLC. The Defendants The Knolls Apartments, LLC and Sares Regis Management Co. had knowledge of the dog and the fact that it represented a clear and present danger to the Plaintiff and the public. As a result of the negligence of Defendants, and each of them, Plaintiff suffered sever personal injuries.

Prem.L-2. ☒ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):
Defendant The Knolls Apartments, LLC and Sares Regis Management Co., LLC.

☒ Does 1 to 10

Prem.L-3. ☒ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):
Defendant The Knolls Apartment, LLC and Defendant Sares Regis Management Co., LLC who had knowledge of the dog and its dangerous and vicious nature from previous complaints and warnings from other tenants, and the Defendant The Knolls Apartment Homes took no action to protect the Plaintiff or the general public from such danger.

☒ Does 1 to 10

Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☒ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):
Defendant The Knolls Apartment, LLC and Defendant Sares Regis Management Co., LLC who took no actions to remove or mitigate the possibility of the dangerous condition and left the Plaintiff and the general public to negligently be exposed to such dangerous condition.

☒ Does 1 to 10

a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5 a. ☐ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

☐ Does to

b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are
☐ described in attachment Prem.L-5.b ☐ as follows (names):